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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

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G.S., a minor below the age of 18, by her
father and natural guardian, MORRIS S,

5 PLAINTIFF,

6

7 -against- Case No.:
15-CV-3086

8

9 CONGREGATION LEV BAIS YAAKOV d/b/a LEV BAIS
10 YAAKOV HIGH SCHOOL, RIVKA ORATZ and SHMIEL
DEUTSCH a/k/a SAM DEUTSCH,

11 DEFENDANTS.
-----X

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13 DATE: December 1, 2015

14 TIME: 10:29 A.M.

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17 VIDEOTAPED DEPOSITION of the
18 Defendant, RIVKA ORATZ, taken by the
19 Plaintiff, pursuant to a Court Order and to
20 the Federal Rules of Civil Procedure, held
21 at the offices of The Berkman Law Office,
22 LLP, 111 Livingston Street, Brooklyn, New
23 York 11201, before Breindle Sara Friedman,
24 a Notary Public of the State of New York.

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2 A P P E A R A N C E S:

3

4 THE BERKMAN LAW OFFICE, LLC
5 Attorneys for the Plaintiffs
6 G.S., a minor below the age of 18, by her
7 father and natural guardian, MORRIS S
8 111 Livingston Street
9 Brooklyn, New York 11201
10 BY: ROBERT TOLCHIN, ESQ.

11

12 RUTHERFORD & CHRISTIE, LLP
13 Attorneys for the Defendants
14 CONGREGATION LEV BAIS YAAKOV d/b/a LEV
15 BAIS YAAKOV HIGH SCHOOL, RIVKA ORATZ and
16 SHMIEL DEUTSCH a/k/a SAM DEUTSCH
17 800 Third Avenue
18 New York, New York 10022
19 BY: ADAM GUZIK, ESQ.
20 File #: 212.472

21

22 ALSO PRESENT:
23 Nathaniel Armstrong, Videographer
24 Diamond Reporting & Legal Video

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1 R. ORATZ

2 call. She would be the one to document.

3 Q. Did you review the documents in
4 the red book before you, before coming to
5 deposition today?

6 A. I reviewed what I had sent in
7 and I reviewed as much as I can.

8 Q. Did you see any document that
9 contained notes or a memo regarding that
10 call?

11 A. I didn't notice any.

12 Q. From your knowledge, who
13 received the call?

14 A. My general studies principal
15 said she had received it when I came back
16 to the building. That is what she told me.

17 Q. That is Mrs. Sochaczewski?

18 A. Right.

19 Q. Do you know the date that that
20 call came in?

21 A. I don't recall the date. I
22 know it was close to the deadline of
23 seminars because that is what I was doing
24 in Staples, getting the materials to send
25 off.

1 R. ORATZ

2 Q. Was that in December 2013?

3 A. That makes sense based where I
4 was in Staples.

5 Q. December 2013?

6 A. Was it 2013? That I could look
7 up and tell you.

8 Q. She came into the school for
9 the 12/13 year and this was already in her
10 tenth grade year, so December of '13?

11 A. That would make sense, yes.

12 Q. You came back from Staples and
13 you saw Ms. Rabbi Deutsch and what did she
14 say to you?

15 A. She was sitting in the company
16 of Mrs. Bollag.

17 Q. That is the social worker?

18 A. Right. And she said there is
19 this call that came in they had to discuss
20 it with us -- me.

21 Q. Other than telling you that a
22 call came in, what did she tell you about
23 the call?

24 A. She mentioned that the
25 secretary gave her the call and --

1 R. ORATZ

2 Q. Who was the call from?

3 A. I don't know. She said a
4 mother of a boy. Again, I am not the
5 primary source. I can only tell you what I
6 remember her telling me.

7 Q. A mother of a boy?

8 A. Right.

9 Q. Did the mother of a boy give
10 her name?

11 A. I don't know. To the best of
12 my recollection, no.

13 Q. Did you look at Mrs. Rabbi
14 Deutsch and say who is it, who is the
15 caller?

16 A. She said that she didn't, from
17 what I can remember, she didn't get that
18 information.

19 Q. She didn't get the -- it was an
20 anonymous call?

21 A. If I understood her correctly,
22 but I am not the primary source, so I don't
23 know.

24 Q. As far as you know --

25 A. As far as I can recollect what

1 R. ORATZ

2 she told me at that time.

3 Q. From what she told you at that
4 meeting?

5 A. Right.

6 Q. In fact later, skipping ahead,
7 you were present at the meeting with the
8 plaintiff's parents?

9 A. Right.

10 Q. During that meeting, was it
11 also told that it was an anonymous call or
12 something else?

13 A. Again, there was a lot of
14 yelling. It was not a very lucid type of
15 meeting. I don't know if Rabbi Deutsch put
16 in the adjective. I don't know.

17 Q. The call was anonymous. You
18 don't -- to this day, do you know who
19 called?

20 A. I don't have any way of knowing
21 that.

22 Q. Has Mrs. Sochaczewski told you
23 that she knows who the caller was?

24 A. She never told me such a thing.

25 Q. Has Shmiel Deutsch told you

1 R. ORATZ

2 that he knows who the caller was?

3 A. He never told me anything about
4 it either way.

5 Q. As you sit here today, you have
6 zero information about who the caller was?

7 A. Correct.

8 Q. What was the content of the
9 call?

10 A. I can only conjecture based on
11 what I remember they told me. I didn't
12 pick up the phone.

13 Q. I don't want you to conjecture.
14 I want you to tell me what Mrs.
15 Sochaczewski told you this anonymous caller
16 had said. She didn't just say I got a
17 call. She told you what the caller said.

18 A. From what I recall, she said
19 that it was a mother of a boy. He had
20 received a picture sent to him of a student
21 of ours. I believe they gave a first name
22 and it was in a compromised type of
23 presentation.

24 Q. Is that what the caller said?

25 A. How would I know if I didn't

1 R. ORATZ

2 pick up the phone?

3 Q. What did Mrs. Sochaczewski say?

4 A. I just told you that.

5 Q. The caller said hello, I am a
6 mother of a boy and I got a picture of one
7 of your students in a compromised picture?

8 A. You asked me what she told me.

9 I didn't pick up the phone. I don't know
10 what she said.

11 Q. I want to know the whole
12 conversation with Mrs. Sochaczewski.

13 A. I can't explore without being
14 informed. I don't know.

15 Q. Did Mrs. Sochaczewski tell you
16 what the compromised position was?

17 A. No.

18 Q. Would you agree that the words
19 -- did she -- withdrawn.

20 Did she use the words
21 compromised positions or she told you --

22 A. I didn't use the word position
23 either. The compromised I think I
24 remember. I don't remember the next word
25 that came after it.

1 R. ORATZ

2 Q. What did Mrs. Sochaczewski tell
3 you the boy's mother said?

4 A. This picture was sent. She
5 said that she was horrified when she saw
6 it, meaning the mother, the antecedent, she
7 is the mother of the boy. She also said it
8 was passed around her son's class. Did not
9 identify the school or anything like that.
10 That is the sum total of what I know or
11 what I recall her to have told me in front
12 of Mrs. Bollag.

13 Q. How did this anonymous mother
14 know who the girl was?

15 A. To the best of my recollection
16 she described some of the appearance and
17 she used a first name. She may have had
18 the grade. I don't remember if she had the
19 grade or not. I think so, but I don't
20 recall exactly.

21 Q. Do you have any understanding
22 of how Mrs. Sochaczewski knew that this
23 woman was indeed a mother of a boy?

24 A. I have no knowledge on that.

25 Q. Do you have any idea how

1 R. ORATZ
2 Mrs. Sochaczewski knew that there was, in
3 fact, a picture?

4 A. No.

5 Q. Did you see the picture?

6 A. No.

7 Q. Did Mrs. Sochaczewski see the
8 picture?

9 A. To my knowledge, no.

10 Q. Do you know whether Shmiel
11 Deutsch saw the picture?

12 A. To my knowledge, no.

13 Q. Do you believe there actually
14 was a picture?

15 A. I have no way of believing
16 anything. I don't have all the information
17 involved.

18 Q. You would agree with me it's
19 perfectly possible there was no such
20 picture?

21 A. I can't agree with anyone
22 either way. I don't know.

23 Q. I asked you if it's possible
24 that there was no picture?

25 A. Anything in this world is

1 R. ORATZ

2 possible.

3 Q. After the call and after your
4 conversation with Mrs. Sochaczewski, was
5 any written note made about the call?

6 A. A staff member writing a
7 written note, is that what you are
8 referring to?

9 Q. Yes.

10 A. I don't know. I didn't make
11 one. I was not a primary source.

12 Q. Would you agree with me that
13 during the time that the plaintiff was a
14 student at your school, there were multiple
15 e-mails discussing whether the plaintiff
16 could help design the set for the school
17 play, you call it production?

18 A. I have many --

19 Q. Would you agree there --

20 A. About the school play I didn't
21 remember anything on that topic. I have
22 multiple e-mails of many ways that I have
23 been involved in helping her. I don't know
24 about the play. I don't recall that.

25 Q. Would you agree that there are

1 R. ORATZ
2 multiple e-mails about numerous topics
3 involving the plaintiff, latenesses, test
4 scores, doctor's appointments?

5 A. There were some such e-mails as
6 well as others where we were reaching out
7 to help her in many ways, yes.

8 Q. Would you agree with me when
9 issues came up involving the plaintiff's
10 performance in the school, there were
11 multiple occasions where you e-mailed Tova
12 Bollag, you e-mailed Mrs. Sochaczewski,
13 there were multiple permutations of e-mail
14 back and forth between that group --

15 A. Within my domain.

16 Q. And the teachers?

17 A. Yes. Correct.

18 Q. When Mrs. Sochaczewski got a
19 call from a mother making a grievous
20 allegation about the plaintiff, was there a
21 single note taken about the happening of
22 that call?

23 A. Anything in my domain I could
24 have contact about. Anything taken out of
25 my domain I could not -- cannot communicate

1 R. ORATZ

2 about it because was taken out of my
3 domain.

4 Q. Would you agree with me you
5 made no such note?

6 A. Correct. I made no such note
7 on it.

8 Q. Can you agree you have seen no
9 such note?

10 A. I have seen no such note,
11 correct.

12 Q. Would you agree with me, in
13 fact, that in the documents that the
14 defendants produced in this case including
15 yourself, there is not one scrap of paper
16 concerning the process of expelling the
17 plaintiff from the school?

18 A. From what I have seen, that's
19 correct.

20 Q. Did you believe the anonymous
21 caller?

22 A. I don't have any way of knowing
23 what I believe. It's a hypothetical
24 question. I am not going to be able to
25 answer.

1 R. ORATZ

2 Q. When your co-principal said a
3 mother had called and said this, did you
4 immediately jump to the conclusion that it
5 must have happened, it must be true?

6 A. I had no opportunity to do any
7 inquiries or become well-informed on it. I
8 cannot make a statement on that.

9 Q. Are you familiar with a concept
10 called lashon hora?

11 A. Yes, I am.

12 Q. Are you familiar with a concept
13 called richilut?

14 A. Yes, I am.

15 Q. Can you explain what lashon
16 hora is?

17 A. You want me to define what
18 lashon hora is?

19 Q. Yes.

20 A. Generally, it's saying
21 something negative about someone, a
22 statement that is not true. Richilit is
23 peddling of information.

24 Q. Would you agree that it's
25 prohibited under Jewish law even to listen

1 R. ORATZ

2 to lashon hora about somebody?

3 A. I would agree with that, but it
4 means that when you are listening, you are
5 accepting it as being the truth. You
6 cannot help it if you are in a room and you
7 hear something. But that would include --
8 there are a lot of criteria on it. You
9 would have to go into the Chofetz Chaim's
10 book on that. Accepting it as being true.

11 Q. The school follows halacha,
12 Jewish law?

13 A. The school does its best, yes.

14 Q. Including the law about not
15 listening to lashon hora?

16 A. I would imagine every Jewish
17 school does try its best on that.

18 Q. Are you familiar with a concept
19 called dan l'kaf zechus?

20 A. Yes, I am.

21 Q. What does that mean?

22 A. Giving someone the benefit of
23 the doubt.

24 Q. Does that include trying to
25 find a way that whatever the person did

1 R. ORATZ

2 might have been for an acceptable reason?

3 A. You would have to ask a rabbi
4 who could weigh off all the variables here
5 once he knows all the information.

6 Q. You have been involved in
7 Jewish education for the last 30 years --

8 A. That's true.

9 Q. -- as principal of a high
10 school?

11 A. That's true.

12 Q. So I am asking you.

13 A. And I am answering you that
14 this rule of giving people the benefit of
15 the doubt has to weigh in all the different
16 variables. I am not a rabbi nor a
17 well-informed spectator in this case. I
18 can't answer how it would be utilized here.

19 Q. Would you agree with me that if
20 the call was anonymous, it could have been
21 made by anybody, correct?

22 A. I don't know any other
23 information that Rabbi Deutsch could have.
24 I don't know what he factored in.

25 Q. Just the fact that it came in

1 R. ORATZ

2 and was anonymous --

3 MR. GUZIK: Please don't

4 interrupt the witness when she

5 answering the questions.

6 Q. I am asking what you know.

7 A. You're going on an

8 assumption --

9 Q. I am never asking --

10 A. -- everything is anonymous. If
11 he had information that I don't know about
12 that was factored in. There is more to
13 this anonymity piece I know. You are
14 trying to lead me in a direction that is
15 not fair.

16 Q. I am asking you to assume for
17 the moment that the call was anonymous.

18 A. Under that assumption, fine,
19 yes.

20 Q. It could have been anybody --
21 it could have been --

22 A. Assuming there is no other
23 information and the anonymity is
24 established, yes. Then what do you want to
25 know?

1 R. ORATZ

2 Q. Another kid who has an axe to
3 grind with the plaintiff?

4 A. Those things can happen in this
5 world, yes.

6 Q. It would have been another
7 parent who didn't like the plaintiff's
8 family?

9 A. Those things are all
10 possibilities.

11 Q. It could have been a prank
12 call, for all you know?

13 A. These are all possibilities.

14 Q. After the call came in, are you
15 aware of any investigation having been
16 conducted about the allegation that a boy
17 had a picture of the plaintiff in a
18 compromising appearance?

19 A. I am not aware, but I am not
20 bottom line.

21 Q. You are not aware of any
22 investigation?

23 A. I am personally not aware.

24 Q. Shmiel Deutsch never mentioned
25 to you that an investigation was conducted?

1 R. ORATZ

2 A. No. If he was doing it, he
3 didn't tell me about it.

4 Q. Mrs. Sochaczewski did not
5 mention an investigation?

6 A. Correct.

7 Q. Tova Bollag did not mention an
8 investigation?

9 A. Correct.

10 Q. It's been mentioned that the
11 school had a telephone policy?

12 A. At that point there was the
13 cell phone policy, correct, yes.

14 Q. We are talking about in the
15 fall of 2012 and winter of 2012, what was
16 the cell phone policy?

17 A. It's evolved over the years as
18 technology has progressed.

19 Q. I am talking about at that
20 time.

21 A. I can't remember exactly. I do
22 know I provided here the commitment letter
23 that the parents had signed on and that the
24 student had signed on and that I do know I
25 provided it.

1 R. ORATZ
2 compromising picture, was that the picture
3 had been sent to a boy who obviously
4 attended a different school, correct?

5 A. I don't know what the facts
6 were. I wasn't there at the call.

7 Q. There was no claim that the
8 picture had been sent to students at Lev
9 Bais Yaakov?

10 A. I don't know. I didn't pick up
11 the call. I didn't hear that.

12 Q. No one ever told you that?

13 A. Correct.

14 Q. If a boy who attends some other
15 school has a picture of the plaintiff
16 that's compromising in some way, how does
17 that bring -- do you believe that brings
18 down other students at Lev Bais Yaakov?

19 A. I don't know. You have to ask
20 the rabbis involved. I don't know.

21 Q. What did you understand the
22 word "compromising" to mean?

23 A. I don't know.

24 Q. Did Lev Bais Yaakov ever ask
25 its rabbinic advisors what is the standard